

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mercep, et al.

Serial No.: 10/587,823

Examiner: Jarrell, N.

Filing Date: 20 Dec 2006

Art Unit: 1624

For: USE OF BENZONAPHTHOAZULENES FOR THE MANUFACTURE OF  
PHARMACEUTICAL FORMULATIONS FOR THE TREATMENT AND  
PREVENTION OF CENTRAL NERVOUS SYSTEM DISEASES AND  
DISORDERS

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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**RESPONSE TO RESTRICTION REQUIREMENT**

This paper is submitted in response to the Restriction Requirement  
electronically dated September 8, 2008.

The Office has required restriction among the pending claims as follows:

Group 1, claims(s) 1-15, drawn to a method of using a compound of  
formula 1 where variable X is O and variable A or B forms a 1,2,3,4-  
tetrahydronaphthalene or naphthalene ring with the benzene ring to  
which it is fused.

Group II, claims(s) 1-15, drawn to a method of using a compound of  
formula I where variable X is S and variable A or B forms a 1,2,3,4-  
tetrahydronaphthalene or naphthalene ring with the benzene ring to  
which it is fused.

Group III, claims(s) 1-15, drawn to a method of using a compound of  
formula I not covered by groups I-II.

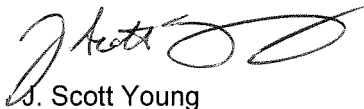
Applicant elects without traverse Group I. Applicants reserve the right to file  
one or more divisional applications to the non-elected subject matter.

The Office has also required election of species of active ingredient  
represented in the instant specification. Applicant elects dimethyl-[3-(10-oxa-3-thia-  
benzo[e]naphtho[1,2-h]azulene-2-ylmethoxy)-propyl]-amine, found on page 14 of the  
specification. All claims encompass the elected species.

Conclusion

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392. The Examiner is invited to contact the undersigned at (919) 483-8160, to discuss this case, if desired.

Respectfully submitted,



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Date: October 1 2008  
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